

Town of North Andover
ZONING BOARD OF APPEALS

Approved
9 Apr 13

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Michael P. Liporto
Deney Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

DRAFT MINUTES
Tuesday, March 12, 2013 at 7:30 PM
Town Hall 120 Main Street, North Andover, Massachusetts

Members present: Albert Manzi III, Esq., Ellen McIntyre, D. Paul Koch Jr., Esq. and Allan Cuscia
Associate Member: Doug Ludgin, and Deney Morganthal
Excused Absence: Richard Byers and Michael Liporto

Manzi called the meeting to order at 7:36

Pledge of Allegiance

Acceptance of Minutes for January 8, 2013 & February 12, 2013

McIntyre made the motion to approve the **January 8, 2013** Minutes
Koch Second the motion.

Those voting in favor to approve the minutes were Manzi, McIntyre, Koch and Cuscia, Ludgin.
5-0

Ludgin made the motion to approve the **February 12, 2013** Minutes
Morganthal Second the motion.

Those voting in favor to approve the minutes were Manzi, Ludgin, and Morganthal.
3-0

McIntyre, Koch, and Cuscia were not in attendance at the February 12th meeting, and because of this reason they had to abstain from this vote (for the record). Manzi stated that only 3 Board members attended the meeting on February 12.

Committee Report

Committee Report Merrimack Valley Planning Commission Report

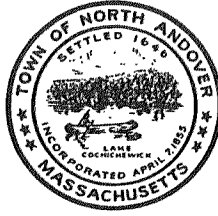
Manzi stated that Byers is not here tonight, so we will need to wait till next month for his report.

Committee Report for the Housing Partnership

Ellen McIntyre stated that the Housing Partnership Committee met last week, Monday March 4th. McIntyre stated that they talked of the 40B project on Berry Street and a presentation was also given on the project. They also discussed the merits of the project out on Berry Street. McIntyre stated that they also discussed the Bradstreet School and the proposed project and how it was denied at the Board of Selectman Meeting.

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McIntyre stated that most of the meeting was spent on the 40B on Berry Street. Manzi asked McIntyre if there was another Committee report scheduled, McIntyre responded the Committee will not meet for another 6 months.

Discussion

Curt Bellavance, Director of Community Development sent a letter and an attachment regarding Merrimac Condominiums dated March 11, 2013 to the Board. The attachment submitted was dated March 8th by JTE Realty Associates, LLC and titled, "Homebuyers Affirmative Marketing and Buyer Selection Plan" for the Board to review and approve. Manzi explained to the Board that Judy Epstein (from JTE Realty) would be the contact for the lottery Selection Process.

Manzi did state that Bellavance sent both the letter and the "Homebuyers Affirmative Marketing and Buyer Selection Plan" to Town Counsel for review. Bellavance reported back to Manzi in an e-mail that Town Counsel was okay with this form and asked the Board to act on this tonight. Manzi told the board that Epstein is not here tonight and also asked if the Board would prefer to wait until Epstein could come in front of the Board.

Manzi mentioned to the Board that hopefully they had a chance to read this, and if they felt comfortable they could move to make a motion on it, or they can wait till Epstein could attend a ZBA meeting. Manzi mentioned that McIntyre had pointed out earlier that this change is to change the lottery agent, to JTE Realty (Judy Epstein). Manzi stated that this change is a modification to the decision.

Cuscia asked if JTE Realty has experience with this type of work. McIntyre stated that they are approved by a state agency, so it can't be just any realty doing this kind of work.

Manzi stated with these types of changes he relies on Bellavance and Town Counsel for feedback.

The Plan was based on Merrimac Condominium permit Decision as well as documents already approved by the Board. In the letter Bellavance requested that JTE Realty serve as the lottery agent and also to allow his office to work with Town Counsel to ensure that the documents are acceptable as written and accurately to reflect the Merrimac Condominium Decision.

The letter went on to say that the Board has already approved The Regulatory Agreement and the Affordability Monitoring Services Agreement.

With that being said the Board voted to Approve JTE as the Lottery agent

McIntyre made a motion to deem this as a Minor Modification and to approve the change of the lottery agent to be JTE Realty (Judy Epstein). McIntyre referenced the letter from Curt Bellavance and the document from Judy Epstein along with the associated dates.

Cuscia second the motion for the Minor Modification.

Those voting in favor were Manzi, McIntyre, Koch and Cuscia and Morganthal.

5-0

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Continued Public Hearings

Special Permit R-4, V. Scott Follansbee, 50 Martin Avenue (Map 45G Lot 36)

Manzi stated that Atty. John Burke, who is representing 50 Martin Avenue, has requested a continuance. Manzi explained to the Board that he has a correspondence and also a signed and time stamped waive form from Atty. Burke requesting this continuance, until the May 7th Zoning Board meeting. Manzi summarized the letter to the Board stating that they (the applicant) will be filing additional applications and that they would like them to be heard simultaneously with the current application.

McIntyre had a concern with the continuation form for 50 Martin Ave, since it did not conform to the agenda that referenced it as 0 Martin Ave (but still had the same map and parcel numbers). Manzi requested to the Zoning Assistant to note on the Time Stamped continuation form that it is also known as 0 Martin Ave and then to have Atty. Burke initial it.

McIntyre made a motion to accept the continue 50 Martin Ave till May 7th 2013 and to note on the Time stamped continuation form that this is also known as (A/K/A) 0 Martin Avenue.

Cuscia second the motion

Manzi, McIntyre, Koch, Cuscia and Ludgin voted in favor to continue the public hearing for 50 Martin Ave (AKA 0 Martin Ave) until May 7th 2013.

5-0

Miscellaneous Correspondence

Manzi briefly went over the letters that were submitted into the board's packets.

A Letter from Walter Soule dated February 19, 2013 and also a letter from Chairman, Albert Manzi III dated March 1, 2013 responding to Walter Soule's letter.

Manzi stated to the Board that Walter Soule is an active Citizen of North Andover and at one time was Chairman of the ZBA.

Manzi stated that Soule had some concerns with a Comprehensive Permit that was approved when he was Chairman of the ZBA. Manzi stated that for now he can work this out with the Zoning Enforcement Officer, Jerry Brown, and if Soule feels that he still wants to be put on a future agenda so he can discuss his concerns to the Board.

Two letters from CHAPA both dated February 21, 2013 and also a letter from Curt Bellavance, titled "Right of First Refusal" dated February 26th, 2013 this letter was in response to the two letters from CHAPA.

Adjournment: 7:50

McIntyre made a motion to adjourn the meeting

Cuscia second the motion

All were in favor to adjourn the meeting Manzi, McIntyre, Koch and Cuscia, Morganthal and Ludgin.